

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States District Court  
Albuquerque, New MexicoMitchell R. Elfers  
Clerk of CourtUnited States of America  
v.  
Gabriel James CERVANTESCase No. **25mj782**

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 6, 2024 in the county of Bernalillo in the  
District of New Mexico, the defendant(s) violated:

## Code Section

21 U.S.C. §§ 841(a)(1) and (b)(1)  
(A)

## Offense Description

Distribution of 400 grams and more of a mixture and substance containing a  
detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]  
propenamide)

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Gavin Hayes

Printed name and title

Sworn to telephonically and signed electronically.

Date: April 17, 2025

Judge's signature

City and state: Albuquerque, New Mexico

Karen B. Molzen, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Gavin Hayes, Special Agent (“SA”) with the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HSI”), being duly sworn, depose and state as follows:

1. I am a Special Agent with HSI, and have been employed by HSI since August of 2023. I am currently assigned to the HSI office in Albuquerque, New Mexico, where I am assigned to investigate individuals involved in the trafficking of narcotics including violations of Title 21, United States Code, Section 841 and 846. I have worked narcotics investigations and have training in investigating these types of cases by the Department of Homeland Security and other governmental and non-governmental entities. During the investigation of these cases, I have participated in the execution of search and arrest warrants pertaining to these violations.

2. I have completed the Criminal Investigators Training Program (CITP) and Homeland Security Investigations Special Agent Training (HSISAT) at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. These training programs included topics such as constitutional law, customs and immigration law, civil and criminal forfeiture, narcotics investigations, financial investigations, physical and electronic evidence, investigative methods, and more.

3. Prior to my tenure as a Special Agent, I was a sworn law enforcement officer employed by the city of Greensboro, North Carolina. I served in that position for over 6 years, during which I was primarily assigned to the patrol bureau. My primary responsibilities were responding to 911 calls and investigating violations of criminal law. I investigated and assisted with investigating hundreds of felony and misdemeanor violent crimes, drug offenses, weapon violations, fraud offenses, impaired driving offenses, and more. I regularly established probable

cause for warrantless arrests, arrest warrants, and search and seizure warrants for the aforementioned crimes.

4. My training as a Greensboro Police Officer included attending the Greensboro Police Academy, which included North Carolina's Basic Law Enforcement Training (BLET) program. Covered topics included constitutional law, criminal law, patrol duties, basic narcotics investigations, criminal investigations, basic interviewing, communication, and mental health awareness. Since completing the Greensboro Police Academy, I was certified by the State of North Carolina as a Chemical Analyst and as a Radar Operator. I received further specialized training in the areas of Fundamentals of the Investigative Process, Death and Violent Crime Scene Management, Standardized Field Sobriety Testing, Introduction to Drugged Driving, Drones for First Responders, and Roadside Interview and Detecting Deception.

5. Prior to my tenure as a Greensboro Police Officer, I received my education at Elon University in North Carolina. I received a Bachelor of Arts with majors in Public Health Studies and Policy Studies, and minors in Leadership Studies and Criminal Justice Studies. I have been a Special Agent with the DEA since December 2021. As such, I am a law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), and I am empowered by law to conduct investigations and to make arrests for criminal offenses, to include those enumerated in 18 U.S.C. § 2516.

6. This affidavit is based on my observations and information obtained from other law enforcement sources. It does not set forth all of my knowledge related to this investigation. This affidavit is submitted in support of a criminal complaint charging Gabriel James Cervantes ("CERVANTES") with violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A): Distribution of 400

grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propenamide).

**PROBABLE CAUSE**

7. On June 6, 2024, an undercover HSI Agent ("UCA2") contacted CERVANTES through calls and text messages to 505-585-4877 ("CERVANTES' PHONE") to set up a purchase of fentanyl. UCA2 knew this device was used by CERVANTES based on prior communications and controlled purchases of narcotics with CERVANTES.

8. On June 6, 2024, around 6:40 PM, UCA2 and CERVANTES executed the planned fentanyl purchase at 1415 Bridge Blvd SW, Albuquerque, NM 87105. CERVANTES drove and arrived in a white GMC Yukon. CERVANTES sold UCA2 approximately 3170 grams of suspected fentanyl and received US currency. Surveillance units followed CERVANTES from the suspected narcotics transaction directly to his residence. Agents observed CERVANTES walk inside his residence with the bag UCA2 gave him containing US currency.

9. SAs King and Curzake received the suspected narcotics from UCA2. SAs King and Curzake observed that the fentanyl pills were circular and blue, with "M/30" stamped onto them. The pills were in a three clear Ziploc bags. The suspected fentanyl was submitted to the New Mexico Department of Public Safety Forensic Laboratories for analysis. Lab analysis confirmed the suspected substance was fentanyl.

10. All of the events described above (other than laboratory testing) occurred in Bernalillo County, in the District of New Mexico.

11. I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

12. This affidavit was reviewed and approved by AUSA Timothy Trembly.



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Gavin Hayes  
Special Agent  
Homeland Security Investigations

Telephonically sworn and electronically signed on  
April 17, 2025.



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HONORABLE KAREN B. MOLZEN  
UNITED STATES MAGISTRATE JUDGE  
District of New Mexico